

REMARKS

Claim 1 stands objected to for a typographical error in which the term "spacer" was inadvertently included as the term "pacer." Applicant has amended Claim 1 to correct this typographical error, and Applicant respectfully requests the withdrawal of this objection.

Claim 5 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

More specifically, the Examiner rejected Claim 5 under §112, second paragraph, as being vague and indefinite because of the use of the term "drying agent." The Examiner asserted that the term "drying agent" is unclear and undefined because it is unstated what it is meant to dry. In response, Applicant respectfully submits that the term "drying agent" is a common term that would be understood by one of ordinary skill in the art to mean a chemical added to another material to promote drying of the material. Thus, in the instant case, one of ordinary skill in the art would recognize that the drying agent recited in Claim 5 promotes drying of the thermoplastic material that it is mixed with. Because Applicant has shown that the term "drying agent" would not be indefinite to one of ordinary skill in the art, Applicant respectfully requests the withdrawal of this §112 rejection of Claim 5.

Claims 1-4 and 6 stand rejected under 35 U.S.C. §103 as being unpatentable over EP 1 236 559 (EP '559). Applicant respectfully traverses this rejection.

Applicant respectfully submits that the cited reference fails to disclose or suggest all of the claimed features of the present invention. More specifically, EP '559 fails to disclose or suggest a method of forming a spacer that includes, *inter alia*, the step of "stopping the discharge of the spacer forming material . . . in each corner region," as recited in independent Claim 1.

In the August 31, 2007 Office Action, the Examiner asserts that it would have been obvious to have slowed or stopped the material from discharging from the applicator to maintain/optimize the recited profile. *See* August 31, 2007 Office Action, page 3, line 19, through page 4, line 1. The Examiner further asserts that one of ordinary skill in the art "would have recognized that simultaneous movement and rotation would have caused a swirl-like pattern or other discontinuity of the extrudate to form." *See* August 31, 2007 Office Action, page 4, lines 1-4.

In response, Applicant respectfully submits that the Examiner is incorrect that simultaneous movement and rotation cause a swirl-like pattern because prior art methods, such as those described in the "Technical Background" section of the present application, relied upon simultaneous movement and rotation. Applicant respectfully submits that the Examiner may be erroneously considering that rotation involves full rotation of 360 degrees or more (which could cause swirl-like patterns), instead of merely rotation of approximately 90 degrees. Accordingly, as the Examiner has not provided a valid reason for stopping the discharge at the corner regions, Applicant submits that one of ordinary skill in the art would

not have altered the method of EP '559 to include the step of "stopping the discharge of the spacer forming material . . . in each corner region," as recited in independent Claim 1. Therefore, as all of the features defined in Claim 1 are not disclosed or suggested in EP '559, Applicant respectfully requests the withdrawal of this §103 rejection of independent Claim 1 and associated dependent Claims 2-4 and 6 for at least this reason.

Further, Applicant also respectfully submits that EP '559 teaches away from stopping the discharge of the spacer material in paragraphs [0008] and [0009]. More specifically, these two paragraphs of EP '559 discuss a method in which the extrusion is stopped in the corners, and then a corner piece is molded in separate step. However, EP '559 also discusses that one of the problems with such a method is that it creates a seam in the profile and "[a] seam in the profile is unattractive and, therefore, undesirable in a commercial product." *See* EP '559 paragraph [0009], lines 21-23. Thus, Applicant respectfully submits that EP '559 teaches away from stopping and restarting the discharge because EP '559 discloses that a seam in the spacer could be created. In further support of this argument, Applicant also directs the Examiner's attention to paragraph [0042] of EP '559, which discusses how the polymer is "extruded continuously" while being driven along the edges and around the corner so that the profile will be "seamless around the corner." Accordingly, since EP '559 teaches away from a method in which the discharge is stopped in the corner regions, Applicant respectfully requests the withdrawal of this §103 rejection of Claims 1 and 4-6 for this reason also.

In addition, Claim 1 has been amended to add a step of re-starting the discharge so that a continuous spacer is formed in the corner region and the linear regions adjacent thereto. Applicant respectfully submits that such additional language further differentiates the claimed invention from the cited references.

Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over EP '559 in view of JP 10-110072 (JP '072). Applicant respectfully traverses this rejection.

Claim 5 depends from independent Claim 1, and therefore includes all of the features of Claim 1, plus additional features. Accordingly, Applicant respectfully requests that this §103 rejection of dependent Claim 5 be withdrawn considering the above remarks directed to independent Claim 1, and also because JP '072 does not remedy the deficiencies noted above, nor was it relied upon as such.

Finally, applicant has also added new independent Claim 7. Applicant respectfully submits that new Claim 7 is allowable.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,
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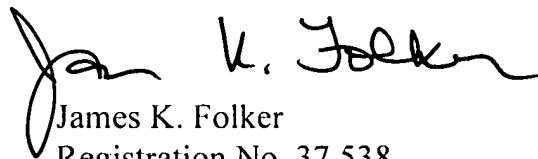
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